

# **Exhibit D**

G. ANDREW ADAMEK  
CHAD E. ADAMS  
DANIEL J. AUERBACH  
KIMBERLY A. BEATTY  
SARA S. BERG  
LEO BERRY  
BRAND G. BOYAR  
MARK D. ETCHEART  
OLIVER H. GOE  
ADMET GRMOLEJZ  
J. DANIEL HOVEN



BROWNING, KALECZYC,  
BERRY AND HOVEN, P.C.  
ATTORNEYS AT LAW

Mailing Address  
POST OFFICE BOX 1697  
HELENA, MONTANA 59624  
TELEPHONE (406) 443-6820  
bkbh@bkbh.com

Street Address  
139 NORTH LAST CHANCE GULCH  
HELENA, MONTANA 59601  
TELEFAX (406) 443-6883  
www.bkbh.com

STANLEY T. KALECZYC  
KATT G. KENTLI  
MATTHEW KUNTZ  
CATHERINE A. LAUGHNER  
DAVID H. MCLEAN  
MARK R. TAYLOR  
W. JOHN TIETZ  
TREVOR L. UFFELMAN  
CHAD R. VANISKO  
STEVEN T. WADE  
LEO S. WARD  
RYAN C. WILLMORE  
ED BARKLETT, Of Counsel  
R. STEPHEN BROWNING, Retired

January 30, 2007

Dale R. Dubé  
Blank Rome LLP  
1201 Market Street, Suite 800  
Wilmington, DE 19801

*Via Email and First Class Mail*

RE: *Magten Asset Management Corp. v. Hanson and Kindt*; CA No. 05-0499-JJF

Dear Dale:

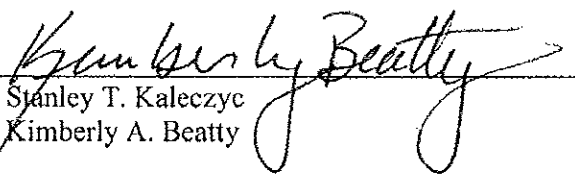
We are in receipt of your letter dated today informing us that Magten is considering our request to voluntarily dismiss with prejudice the above-referenced litigation, but requesting additional time within which to consider our request.

We will agree to give Magten until Friday, February 9 to respond to our request, provided, however, that in the event Magten reaches a decision prior to February 9, you agree to inform us of that decision immediately, rather than waiting until February 9 to do so. We look forward to hearing your decision promptly.

Sincerely,

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By

  
Stanley T. Kaleczyc  
Kimberly A. Beatty

msi LEGAL & ACCOUNTING  
NETWORK WORLDWIDE

Browning, Kaleczyc, Berry & Hoven, P.C. is a member of MSI, a network of Independent Professional Firms

249055.doc/1674.044

Dale R. Dube  
RE: Magten Asset Management Corp. v. Hanson and Kindt  
January 30, 2007  
Page 2

cc: John E. James, Esq.  
Bonnie Steingart, Esq.  
Gary L. Kaplan, Esq.  
John W. Brewer, Esq.  
Bijan Amini, Esq.  
Jesse H. Austin, III, Esq.  
Victoria W. Counihan, Esq.  
Karol K. Denniston, Esq.  
Dennis E. Glazer, Esq.  
David A. Jenkins, Esq.  
Paul Spagnoletti, Esq.  
Adam G. Landis, Esq.  
Dennis A. Meloro, Esq.  
Curtis S. Miller, Esq.  
Kathleen M. Miller, Esq.  
John V. Snellings, Esq.  
Joseph D. Pizzurro, Esq.  
Denise Seastone Kraft, Esq.